

# The Gazette of India



PUBLISHED BY AUTHORITY

No. 36] NEW DELHI, SATURDAY, OCTOBER 18, 1958/ASVINA 26, 1880

## NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 6th October 1958:—

Issue No.	No. and date	Issued by	Subject
204	S.O. 2056, dated 1st October, 1958.	Ministry of Commerce and Industry.	Amendment in Notification No. 3143, dated the 5th October, 1957 of the Min. of Commerce and Industry.
205	S.O. 2057, dated 25th September, 1958.	Election Commission, India.	Petition No. 117 of 1957.
206	S.O. 2058, dated 25th September, 1958	Do.	Election Petition No. 341 of 1957.
207	S.O. 2059, dated 4th October, 1958.	Ministry of Information and Broadcasting.	Certification of the film specified therein.
208	S.O. 2060, dated 6th October, 1958.	Ministry of Commerce and Industry.	Amendment in the Bye Laws of the Spices and Oil-seeds Exchange Ltd., Sangli.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

## PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).

## MINISTRY OF LAW

(Department of Legal Affairs)

New Delhi, the 10th October 1958

**S.O. 2139.**—In exercise of the powers conferred by clause (1) of article 299 of the Constitution, the President hereby directs that all contracts and agreements relating to the printing work of the School of Signals, Mhow, shall be executed on his behalf by the Commandant, School of Signals, Mhow.

[No. F.44(12)/58-J.]

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**(Judicial Section)**

*New Delhi, the 13th October 1958*

**S.O. 2140.**—In exercise of the powers conferred by clause (i) of article 299 of the Constitution, the President hereby directs that all Indemnity Bonds executed by claimants in connection with payment from the Companies Liquidation Account of claims exceeding Rs. 50/- in pursuance of the Ministry of Commerce and Industry (Department of Company Law Administration) Notification No. G.S.R. 556, dated the 25th June, 1958, shall be accepted on his behalf by the Regional Directors, Department of Company Law Administration at Bombay, Calcutta, Madras and Kanpur.

[No. F.44(13)/58-J.]

P. K. BOSE, Dy. Secy.

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**MINISTRY OF HOME AFFAIRS**

*New Delhi, the 6th October 1958*

**S.O. 2141.**—Shri K. D. Tripathi, a temporary Assistant Supervisor, Hindi Teaching Scheme, Ministry of Home Affairs, stationed at Hyderabad, has been granted earned leave for sixty days with effect from the 26th September, 1958, with permission to leave station.

[No. 8/18/58-H.]

GURBACHAN SINGH, Under Secy.

**MINISTRY OF FINANCE**  
(Department of Economic Affairs)

New Delhi, the 8th October 1958

**S.O. 2142.**—Statement of the Affairs of the Reserve Bank of India, as on the 3rd October, 1958.

**BANKING DEPARTMENT**

Liabilities	Rs.	Assets	Rs.
Capital paid up . . . . .	5,00,00,000	Notes . . . . .	25,37,05,000
Reserve Fund . . . . .	80,00,00,000	Rupee Coin . . . . .	1,51,000
National Agricultural Credit (Long-term Operations) Fund . . . . .	25,00,00,000	Subsidiary Coin . . . . .	3,40,000
National Agricultural Credit (Stabilisation) Fund . . . . .	3,00,00,000	Bills Purchased and Discounted :—	
		(a) Internal . . . . .	..
		(b) External . . . . .	..
Deposits :—		(c) Government Treasury Bills . . . . .	1,42,36,000
(a) Government		Balances held abroad* . . . . .	13,38,36,000
(1) Central Government . . . . .	52,77,57,000	Loans and Advances to Governments . . . . .	14,50,23,000
(2) Other Governments . . . . .	17,31,06,000	Other Loans and Advances† . . . . .	51,82,57,000
(b) Banks . . . . .	96,43,71,000	Investments . . . . .	299,29,51,000
(c) Others . . . . .	113,65,48,000	Other Assets . . . . .	9,50,20,000
Bills Payable . . . . .	11,41,62,000		
Other Liabilities . . . . .	14,10,75,000		
<b>TOTAL</b>	<b>418,75,19,000</b>	<b>TOTAL</b>	<b>418,75,19,000</b>

\*Includes Cash & Short term Securities.

†The item 'Other Loans and Advances' includes Rs. 97,00,000/- advanced to scheduled banks against usance bills under Section 17 (4) (c) of the Reserve Bank of India Act.

Dated the 8th day of October 1958.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 3rd day of October 1958

ISSUE DEPARTMENT

Liabilities	Rs.	Rs.	Assets	Ra.	Rs.
Notes held in the Banking Department . . . . .	28,37,05,000		A. Gold Coin and Bullion :—		
Notes in circulation . . . . .	1527,69,92,000		(a) Held in India . . . . .	117,76,03,000	
Total Notes issued . . . . .		1556,06,97,000	(b) Held outside India . . . . .	..	
			Foreign Securities . . . . .	169,67,56,000	
			TOTAL OF A . . . . .		287,43,59,000
			B. Rupee Coin . . . . .		139,26,17,000
			Government of India Rupee Securities . . . . .		1129,37,21,000
			Internal Bills of Exchange and other commercial paper . . . . .		..
TOTAL—LIABILITIES . . . . .		1556,06,97,000	TOTAL—ASSETS . . . . .		1556,06,97,000

Dated the 8th day of October 1958.

H. V. R. IENGAR,

Governor. [No. F. 3 (2)-F.1/58.]

A. BAKSI, Jt. Secy.

1958

THE GAZETTE OF INDIA: OCTOBER 18, 1958/ASHVINA 26, 1880

Part II

(Department of Revenue)

ESTATE DUTY

New Delhi, the 13th October 1958

**S.O. 2143.**—The Central Government hereby renews the appointment of the undermentioned Valuers whose names were first published in Part II, Section 3 of the Gazette of India, dated the 16th July, 1955 under S.R.O. No. 1495, for a further period of three years from the 12th July, 1958.

I. ENGINEERS/SURVEYORS/ARCHITECTS

S. No.	Name	Address
1.	Shri Bysakh, B., B. E. (Mech.) A.M.I.E. (Ind.), A.M.I.P.E. (England)	55, W.C. Banerjee Street, Calcutta-6.
2.	Shri Noorani, K. A., B.E., (Civil) M.I.E.	Mustafa Building, Sir Pheroze Shah Mehta Road, Bombay.
3.	Shri Rathod, M.P., B.E., (Civil), M.I.E. (Ind.), M.R. San. I (Lond.)	7, Union Bank Building, 4th Floor, Dalal Street, Fort, Bombay-1.
4.	Shri Sanghani, Chunilal K., B.Sc. B.E. (Civil),	79, Meadows Street, Fort, Bombay.
5.	Shri Anand, R.G., G.D. (Arch.), A.I.I.A.	Sun Light Insurance Building, Ajmere Gate Extension, New Delhi-4.
6.	Shri Kalra, K. R., B.A., C.E., M.I.E.	56, Friends Colony, New Delhi-14.
7.	Shri Kuriyan, I., B.A., B.E., M.I.E., (Ind.)	Pathyl, Tiruvella, P.O., Kerala State.
8.	Shri Venkatesh Rao, C. R., B.Sc., B.E., A.M.I.E.	G. 72, Osmanli Buildings, Narasimharaja Road, Bangalore-2.

II. ACCOUNTANTS

1.	Shri Chakravorti, N., M.A., F.C.A.	8/2, Hastings Street, Room No. 30, Calcutta-1.
2.	Shri Dastur, D. N., F.C.A.	C/o Dastur Kanga & Co., Chartered Accountants, 5, Hamam Street, Fort, Bombay-1.
3.	Shri Kanga, J. R., F.C.A.	C/o Dastur Kanga & Co. Chartered Accountants, 5, Hamam Street, Fort, Bombay-1.
4.	Shri Kelkar, D. K., A.C.A.	Kalyani Barracks, Camp Satara, District North Satara, Bombay State.
5.	Shri Kapur, N. D., F.C.A.	Flat 2-A, Shankar Market, Connaught Circus, New Delhi.

2. The scale of charges for the remuneration of Valuers appointed by the Central Government for valuing any property shall be as fixed below and no such Valuer shall charge a fee at a scale higher than the scale so fixed.

Scale of Charges

On the first Rs. 50,000/- of the property so valued	$\frac{1}{2}\%$ of the value.
On the next Rs. 1,00,000/- of the property so valued	$\frac{1}{4}\%$ of the value.
On the balance of the property so valued	$\frac{1}{4}\%$ of the value.

**S.O. 2144.**—In exercise of the powers conferred by sub-section (3) of Section 4 of the Estate Duty Act, 1953 (34 of 1953), the Central Government hereby appoints the persons whose names are given in the Appendix as Valuers for the purposes of the said Act for a period of three years from the date of this notification.

2. The scale of charges for the remuneration of Valuers appointed by the Central Government for valuing any property shall be as fixed below and no such Valuer shall charge a fee at a scale higher than the scale so fixed.

*Scale of Charges*

On the first Rs. 50,000/- of the property so valued.  $\frac{1}{2}\%$  of the value.  
 On the next Rs. 1,00,000/- of the property so valued.  $\frac{1}{4}\%$  of the value.  
 On the balance of the property so valued.  $1\frac{1}{8}\%$  of the value.

APPENDIX

I. ENGINEERS/SURVEYORS/ARCHITECTS

S. No.	Name	Address
1.	Shri Adalja, P. P., B.E., M.I.E., M.R.S.I. (Lond.)	Champa Nivas, Dadabhai Road, Vile Parle (West), Bombay-24.
2.	Shri Ayer, S. T.	5, Palav Sadan, Jerbai Wadia Road, Parel, Bombay-12.
3.	Shri Chhapia, V. K., B.E. (Civil), A.M.I.E.T. (Lond.)	Alli Chambers, Meadows Street, Fort, Bombay.
4.	Shri Deshpande, K. K., B. E., (Civil)	4th Floor, Lentin Chambers, Dalal Street, Fort, Bombay.
5.	Shri Goregaoker, Vasant K., G. D. (Arch), A.I.I.A., A.I.A.A., & S. (London)	Rajababdur Bansilal Mansion, 11, Bruce Street, Fort, Bombay-1.
6.	Shri Kane, S. P., B. E. (Civil), I.M.V.	New Filter Road, Bhavnagar.
7.	Shri Mistry, Manilal C., B.A., B.E. (Civil), A.M.I.E. (Ind.)	Madhu-Malti, Gandhi Bridge, Railway Crossing, Ahmedabad-9.
8.	Shri Pancholy, H. M., B.E., A.M.I.E.,	Saraswati Society, Ahmedabad-7.
9.	Shri Parkar, B. B., B.E., M.I.E., (Ind.)	"Prakash" Shivaji Park, Road No. 3, Bombay-28.
10.	Shri Shah, Marikchar d Raojibhai, B.Sc., B.E., A.M.I.E. (Ind.)	India House, 2nd Floor, Fort Street, Bombay-1.
11.	Shri Thakker, M. M., B.E., (Civil), A.M.I.E. (Ind.)	Kedareswar Road, Porbandar.
12.	Shri Vaswani, G. B., A.M.I.E.T. (Lond.)	Nanik Nivas, 1st Block, 4th Floor, Bhulabhai Desai Road, Bombay-26.
13.	Shri Virani, T. V., B. E. (Civil), A.M.I.E. (Ind.)	1st Floor, 77, Meadows Street, Fort, Bombay-1.
14.	Shri Apte, V. G., B.E., A.M.I.E.	39, Narayan Bagh, Indore City.
15.	Shri Vaishampayan, V. V., B.Sc., B.E.	82, Rambagh, Indore.
16.	Shri Khanna, P.N., M.I.M.E., F.I.P.H.E., (Lond.)	Dampier Park, Mathura.
17.	Shri Iyer, A. Nageswara, B.E.,	36/2, Harrington, Road, Madras-30.
18.	Shri Iyer, R. Subramania, B.A., B.E.	7, Tawker's Lane, Tiruchirapalli 8, Madras State.

S. No.	Name	Address
19.	Shri Narayan, P. S.,	Director, The Engineering and Mineral Industrial Research Laboratory, Mines House, Malleswaram, Bangalore-3.
20.	Shri K. Papa Rao, B.E., (Civil), A.M.I.E. (Ind.)	Sultan Bazar, Hyderabad.
21.	Shri Rajagopalan, S., M.I.E. (Ind.), Retd. Superintending Engineer	Guru Vilas, Kutchery Road, Madras-4.

## II. ACCOUNTANT

- |    |                                   |   |
|----|-----------------------------------|---|
| 1. | Shri Bal G. R.,<br>G.D.A., F.C.A. | C/o Bal & Patankar,<br>50/56, Custom House Road,<br>Nagree Building, Fort,<br>BOMBAY. |
|----|-----------------------------------|---|

[No. 47/F, No. 5/111/58-E.D.]

**S.O. 2145.**—The Central Government hereby renews the appointment of the undermentioned Valuers whose names were first published in Part II, Section 3 of the Gazette of India, dated the 21st August, 1954 under S.R.O. No. 2683, for a further period of three years from the 16th August, 1957.

S. No.	Name	Address
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### I. ENGINEERS/SURVEYORS/ARCHITECTS

- |    |   |  |
|----|---|--|
| 1. | Shri Theigaonkar, P. M.,<br>B.E., A.M.I.E., | Circle Engineer,<br>Nagpur Improvement Trust,<br>NAGPUR. |
|----|---|--|

## II. ACCOUNTANT

- |    |                                 |   |
|----|---------------------------------|---|
| 1. | Shri Abhyankar, B.C.,<br>F.C.A. | C/o B. C. Abhyankar & Co.,<br>35-36 Alli Chambers<br>Meadows Street,<br>Fort, BOMBAY. |
|----|---------------------------------|---|

## III. ACTUARIES

- |    |  |  |
|----|--|--|
| 1. | Shri Sapre, V. L.,<br>F.I.A.   | C/o. Life Insurance Corporation of India (Western Zone), Gresham Assurance House Sir Pherozshah Mehta Road, Fort BOMBAY-1. |
| 2. | Shri Subrahmaniam, D.,<br>M.A., F.I.A., F.S.S.                           | Divisional Manager,<br>Life Insurance Corporation of India,<br>Sri Padam Palace,<br>Fort, TRIVANDRUM.                      |
| 3. | Prof. Venkatasubbiah, G.,<br>M.A., B.T., F.I.A. (Lond.) F.S.S.<br>A.S.A. | Assistant Divisional Manager,<br>Life Insurance Corporation of India,<br>Bashir Bagh, HYDERABAD.                           |
| 4. | Shri Venkitasubramaniam, R.,<br>F.I.A.                                   | Divisional Manager,<br>Life Insurance Corporation of India,<br>Trivandrum.   |

2. The scale of charges for the remuneration of Valuers appointed by the Central Government for valuing any property shall be as fixed below and no such Valuer shall charge a fee at a scale higher than the scale so fixed.

*Scale of Charges*

On the first Rs. 50,000/- of the property so valued.  $\frac{1}{4}\%$  of the value.

On the next Rs. 1,00,000/- of the property so valued:  $\frac{1}{4}\%$  of the value.

On the balance of the property so valued . . .  $1\frac{1}{8}\%$  of the value.

[No. 48/F. No. 5/111/58-E.D.]

D. SUBRAMANIAN, Dy. Secy.

**(Department of Revenue)****ORDERS****STAMPS**

*New Delhi, the 8th October, 1958*

**S.O. 2146.**—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the debentures of the value of Rs. 50 lacs to be issued by the Uttar Pradesh Financial Corporation are chargeable under the said Act.

[No. 34 F. No. 1/73/58-Stamps/Cus.VII.]

**S.O. 2147.**—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the lease deed dated the 2nd August, 1958 executed by the High Commissioner for the United Kingdom in India in respect of rear bungalow at No. 182/48, Chanakyapuri, New Delhi, is chargeable under the said Act.

[No. 34 F. No. 1/73/58-Stamps/Cus.VII.]

B. B. GUJRAL, Under Secy.

**MINISTRY OF COMMERCE & INDUSTRY**

*New Delhi, the 8th October, 1958.*

**S.O. 2148.**—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment to certain Class III posts under the office of the All India Handloom Board, Bombay, namely:—

1. These rules may be called the All India Handloom Board (Recruitment to Class III posts) Rules, 1958.
2. These rules shall apply for recruitment to posts specified in column 1 of the schedule to these rules and the present number of posts, the classification thereof and the scale of pay shall be as specified in column 2 to 5 of said Schedule.

The method of recruitment, the age limit and qualifications for recruitment to the said posts and other matters relating thereto shall be as in column 6 to 15 of the aforesaid Schedule.

[No. 3(48)-Tex(C)/58.]

M. S. SADASIVAN, Under Secy.



## PATENTS

New Delhi, the 14th October 1958

**S.O. 2149.**—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the methods of recruitment to Class III posts in the Patent Office, Calcutta, namely:—

1. *Short title.*—These rules may be called the Patent Office Class III Recruitment Rules, 1958.
2. *Method of recruitment.*—Recruitment to Class III posts in the Patent Office shall be in accordance with the provisions of the Schedule annexed hereto.

SCHB

## Recruitment Rules for Class III

Name of post	No. of post	Classification and whether gazetted or non-gazetted Ministerial or Non-ministerial	Scale of pay	Whether a selection or a non-selection post	Age limit for direct recruitment	Educational and other qualification required	Whether age and educational qualifications prescribed for direct recruits will apply in case of recruitment by promotion/transfer, Age: Educational qualification
1	2	3	4	5	6	7	8
1. Superintendent.	3	Class III, Non-Gazetted Ministerial.	Rs. 400—20—500(old) Rs. 250—15—400 (prescribed)	Selection post.	No. Direct recruitment		No.
2. Assistant Superintendent.	2	"	Rs. 160—10—330.	"	"	..	..
3. Accountant & Cashier	1	"	Rs. 160—10—250	"	"	..	..
4. Librarian	1	"	Rs. 100—8—140—10—250	"	25 years	Degree in Science with a diploma in Librarianship.	..

DULE

Staff of the Patent Office

Period of probation if any	Method of recruitment i.e. whether by direct recruitment, by promotion or by transfer & percentage of vacancies to be filled by various modes	In case of vacancies filled by promotion transfer grades sources from which promotion/transfers are to be made	If D.P.C. exists for recruitment by promotion composition thereof	Circumstances in which U.P. S.C. is to be consulted in making recruitment	Remarks
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9	10	11	12	13	14
..	By promotion.	Appointment to these posts should be made by promotion on a selection basis from amongst the Assistant Supdts. The Accountants and Cashier and the Assistant on the recommendation of the D.P.C. of the office.	1. Controllor of Patents & Desings. 2. Deputy Controllor of Patents & Designs. 3. Administrative Office.	Consultation with U.P.S.C. is not necessary.	
..	"	Appointment to these posts should be made by promotion on a selection basis from amongst the Accountant & Cashier Assistant and U.D.C. on the recommendation of the D.P.C. of the office.	"	"	
..	"	Appointment to this post should be made by promotion on the basis of selection from amongst the U.D. Clerks on the recommendation of the D.P.C. of the office.	"	"	
..	Direct Recruitment.			"	

## SCHEDULE—

1	2	3	4	5	6	7	8
5. Steno-grapher	1	Class III Non-Gazetted Ministerial.	Rs. 80—5—120—EB.—8—200—10/2—220 plus S.P. Rs. 20/- p.m.	Selection Post	25 years	Matriculation or an equivalent examination and a speed of not less than 100 words per minute in shorthand and 40 words per minute in type-writing.	..
6. Assistant/U. D. Clerk	24	"	Rs. 130—10—200—EB.—10—350(old) Rs. 80—5—120—EB.—8—200—10/2—220 Prescribed).	Non-Selection post.	"	Degree of a recognised University.	No.
7. Clerks in-charge	2	"	Rs. 60—3—81 EB—4—125—5—130—plus S.P. Rs. 20/- p.m.	..	..	..	..
8. L.D.Cs. 66* (including one with a Stenographer allowance of Rs. 20/- p.m.)		"	Rs. 60—3—81 EB—4—125—5—130.	..	..	Matriculation or equivalent Examination.	..

\*This allowance should be granted to one of the posts of L.D. Clerks possessing working speed in shorthand on the recommendation of the D.P.C. of the office.

NOTE—The upper age limit prescribed for direct recruitment will be relaxed in the case of scheduled castes/Tribes and other excepted categories in accordance with the orders issued by the Government of India, Ministry of Home Affairs.

Contd.

9	10	11	12	13	14
..	By selection from amongst U.D.Cs. who possess the requisite qualifications failing which by direct recruitment through Employment Exchange.	..	1. Controller of Patents and Designs. 2. Deputy Controller of Patent & Designs. 3. Administrative Officer.	Consultation with U.P.S.C. is not necessary.	
..	50% of the vacancies should be filled by direct recruitment through the local employment exchange on the recommendation of the D.P.C. of the office and 50% by promotion from amongst the L.D. Clerks on the recommendations of the D.P.C. of the office.	..	"	"	
..	Appointment should be made by promotion on the basis of selection from amongst the L.D. Clerks on the recommendation of the D.P.C. of the office.	..	"	"	
..	Direct recruitment should be made in local employment exchange on the recommendation of the D.P.C. of the office.	..	"	"	

## ORDER

*New Delhi, the 13th October 1958*

**S.O. 2150/IDRA/6/15/Am.(1).**—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints Shri M. N. Pittie, Messrs Harinagar Sugar Mills Ltd., 207, Kalbadevi Road, Bombay as a member of the Development Council established by the Order of the Government of India in the Ministry of Commerce and Industry S.O. 1904/6/15, dated the 16th September 1958, for the scheduled industries engaged in the manufacture or production of alcohol and other products of fermentation industries, and directs that the following amendment shall be made in the said Order, namely:—

In paragraph 1 of the said Order under the category of members "being persons who in the opinion of the Central Government are capable of representing the interests of owners of industrial undertakings in the said scheduled industries" after entry No. 5 relating to Shri N. N. Mohan, the following entry shall be inserted, namely:—

"5A. Shri M. N. Pittie, Messrs Harinagar Sugar Mills Ltd., 207, Kalbadevi Road, Bombay."

[No. 4(45)IA(II)(G)/58.]

A. K. CHAKRAVARTI, Under Secy.

## ORDER

*New Delhi, the 14th October 1958*

**S.O. 2151/IDRA/6/1/Am.(5).**—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby declares that the Development Council established for the scheduled industry engaged in the manufacture and production of bicycles, under the Government of India, Ministry of Commerce and Industry Order No. S.R.O. 966 dated the 22nd May 1958, shall be re-designated as the Development Council for Bicycles, Sewing machines and Instruments, and directs that the following amendments shall be made in S.R.O. 966 aforesaid:—

In the opening paragraph of the said Order—

(a) for the words "Development Council for the scheduled industry engaged in the manufacture and production of bicycles," the words "Development Council for the scheduled industries engaged in the manufacture and production of Bicycles, Sewing machines and Instruments" shall be substituted.

(b) in the entries against "being persons who in the opinion of the Central Government are capable of representing the interests of owners of industrial undertakings in the said scheduled industry", after entry No. 4C relating to Shri Harbans Singh, the following entries shall be inserted, namely:—

"4D. Shri T. R. Gupta, General Manager, Works, Jay Engineering Works Ltd., P.B. 2158, Calcutta.

4E. Shri A. D. Jain, Mahabir Export & Import Co. Private Ltd., 7/33, Daryaganj, Delhi-7.

4F. Shri Lajpat Rai, Proprietor, Messrs Rita Mechanical Works, Ludhiana.

4G. Shri N. M. Athavale, Works Manager, Radio Lamp Works Ltd., 47/21 Law College Road, Poona-4.

4H. Dr. G. R. Toshniwal, Toshniwal Bros. Private Ltd., 198, Jamshedji Tata Road, Fort, Bombay-1.

4J. Shri L. M. De, Works Manager, National Instruments (Private) Ltd., 15, Wood Street, Calcutta-16.

4K. Shri Y. A. Fazalbhoy, General Radio & Appliances Private Ltd., 8, New Queen's Road, Bombay-4.

4L. Shri Lakshman Parkash, Proprietor, National Emporium, Roorkee."

(c) in the entries against "being persons who in the opinion of the Central Government have special knowledge of matters relating to the technical or other aspects of the said scheduled industries" after entry No. 8 relating to Shri B. S. Sindhu, the following entry shall be inserted, namely:—

"8A. Shri B. N. Das, Senior Scientific Adviser, National Metallurgical Laboratory, Jamshedpur."

(d) in the entries against "being persons who in the opinion of the Central Government are capable of representing the interests of consumers of goods manufactured and produced by the said scheduled industries" after entry No. 13 relating to Shri J. P. Mehrotra, the following entries shall be inserted, namely:—

"13A. Shri M. N. Pataskar, Chairman, M. N. Pataskar & Co., Deccan Gymkhana, Poona—4.

13B. Shri G. N. Murthy, Standard Dresses, T. Nagar, Madras—17.

13C. Shri Prem Parkash, Assistant Director, National Physical Laboratory, Hillside Road, New Delhi.

13D. Shri S. C. Sen, Principal, Delhi Polytechnic, Delhi—6."

[No. 4(49)IA(II)(G)/58.]

K. C. MADAPPA, Dy. Secy.

#### (Forward Markets Commission)

#### CORRIGENDUM

New Delhi, the 11th October 1958

S.O. 2152.—In the Notification of the Government of India in the Ministry of Commerce and Industry, (Forward Markets Commission) No. S.O. 1640 dated the 11th August, 1958, published in the Gazette of India Extraordinary in Part II—Section 3—sub-section (ii) dated the 11th August, 1958/Sravana 20, 1880.

On page 901, in amendment XI—for the word "alternative", appearing in line 2 of clause (c) of Bye-law 128A, read the word, "alternate".

M. A. MULKY,  
Secretary.

[No. 2/3/58/JUT.]

T. S. KUNCHITHAPATHAM, Under Secy.

#### ERRATA

In the Ministry of Commerce and Industry (Indian Standards Institution) notifications No. MDC/12(77) dated the 29th August 1958 and MDC/11(5) dated the 4th September 1958 published in the Gazette of India, Part II—Section 3—Sub-Section (ii) dated the 13th September 1958 as S.O. 1845 and S.O. 1848 respectively, please make the following alterations:

(1) In S.O. 1845 under column 7 against Sl. No. 5, line 2 read 'BHC' for 'BHG'.

(2) In S.O. 1848 under column 1 delete 'Sl. No.'

and insert



in its place.

## MINISTRY OF STEEL, MINES &amp; FUEL

(Department of Mines &amp; Fuel)

New Delhi, the 7th October 1958

S.O. 2153.—In exercise of the powers conferred by sub-section (2) of section 4 of the Coal Mines (Conservation and Safety) Act, 1952 (12 of 1952), the Central Government hereby appoints Shri B. K. Ghosh, Deputy Coal Controller (Production), as a member of the Coal Board for a further period of six months with effect from the 22nd October 1958.

[No. C5-1(21)58.]

CHHEDI LAL, Dy. Secy.

(Department of Mines &amp; Fuel)

New Delhi, the 10th October 1958

S.O. 2154.—In exercise of the powers conferred by sub-rule (2) of rule 11, clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby directs that—

(1) in respect of the posts in General Central Service, Class II, specified in column 1 of Part I of the Schedule to this Order, the authority specified in column 2 shall be the Appointing Authority and the authority specified in column 3 shall be the Disciplinary Authority in regard to the penalties specified in column 4;

(2) in respect of the posts in the General Central Service, Class III and the General Central Service, Class IV, specified in column 1 of Parts II and III of the said Schedule, the authority specified in column 2 shall be the Appointing Authority and the authorities specified in columns 3 and 5 shall be the Disciplinary Authority and Appellate Authority respectively in regard to the penalties specified in column 4.

## SCHEDULE

## Part I—General Central Service Class II

Description of post	Appointing authority	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule 13).	
		Authority	Penalties
1	2	3	4
<i>Department of Mines and Fuel</i> (Ministry of Steel, Mines and Fuel)			
<i>Indian Bureau of Mines</i>			
All posts.	Director, Indian Bureau of Mines.	Director, Indian Bureau of Mines.	All
<i>Oil and Natural Gas Commission.</i>			
All posts.	Member, Oil and Natural Gas Commission.	Member Oil and Natural Gas Commission.	All



Part II—General Central Service, Class III

Description of post	Appointing authority	Authority competent to impose penalties and which it may impose (with reference to item numbers in the rule 13)		Appellate authority
		Authority	Penalties	
1	2	3	4	5
<i>Office of the Deputy Assistant Coal Controller, Assam.</i>				
All Posts.	Deputy Assistant Coal Controller, Assam.	Deputy Coal Controller, Assam.	All	Coal Controller.
<i>Indian Bureau of Mines</i>				
All Posts.	Director.	Director.	All	Joint Secretary, Deptt. of Mines and Fuel (Ministry of Steel, Mines and Fuel).
<i>Geological Survey of India</i>				
All Posts.	Assistant Director.	Assistant Director.	All	Director, Geological Survey of India.
<i>Oil and Natural Gas Commission.</i>				
All Posts.	Secretary, Oil and Natural Gas Commission.	Secretary, Oil and Natural Gas Commission.	All	Member, Oil and Natural Gas Commission.

Part III—General Central Service, Class IV

Description of posts	Appointing authority	Authority competent to impose penalties and which it may impose (with reference to item numbers in rule 13)		Appellate authority.
		Authority	Penalties	
1	2	3	4	5
<i>Office of the Deputy Assistant Coal Controller, Assam.</i>				
All Posts.	Deputy Assistant Coal Controller, Assam.	Deputy Assistant Coal Controller, Assam.	All	Coal Controller.
<i>Indian Bureau of Mines</i>				
All Posts.	Deputy Director.	Deputy Director.	All	Director.

I	2	2	4	5
<i>Oil and Natural Gas Commission.</i>				
All Posts.	Senior Administrative Officer at Headquarters and Head of Offices at Branch Offices.	Senior Administrative Officer at Headquarters and Head of Offices at Branch Offices.	All	Secretary, Oil and Natural Gas Commission.
<i>Geological Survey of India.</i>				
All Posts.	Assistant Director.	Assistant Director.	All	Director, Geological Survey of India.

[No. F. 5(23)/57-Adm.I(1).]

**S.O. 2155.**—In exercise of the powers conferred by sub-rule (2) of rule 11, clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby directs that the following amendments shall be made in the Schedule to the Notification of the Government of India in the late Ministry of Production No. S.R.O. 634 dated the 28th February, 1957, namely:—

In the said Schedule—

- (1) in Part I, the following headings and all the entries relating thereto shall be omitted, namely:—

“Coal Controller’s Organisation, Headquarters Office”,  
 “Office of the Deputy Coal Controller (Distribution)”,  
 “Office of the Coal Superintendent, Dhanbad”,  
 “Office of the Deputy Coal Superintendent, Secunderabad”,  
 “Office of the Assistant Coal Superintendent, Kidderpore Docks”,  
 “Office of the Deputy Assistant Regional Coal Controller, Assam”,

- (2) in Part II, the following headings and all the entries relating thereto shall be omitted, namely:—

“Coal Controller’s Organisation, Headquarters Office”,  
 “Office of the Deputy Coal Controller (Distribution)”,  
 “Office of the Deputy Coal Controller (Production)”,  
 “Office of the Coal Superintendent, Dhanbad”,  
 “Office of the Deputy Coal Superintendent, (Secunderabad)”,  
 “Office of the Assistant Coal Superintendent, Kidderpore Docks”,  
 “Office of the Deputy Assistant Regional Coal Controller, Assam”.

[No. F. 5(23)/57-Adm.I(3).]

**S.O. 2156.**—In exercise of the powers conferred by sub-rule (2) of rule 11, clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby directs that the following amendments shall be made in the Schedule to the Notification of the Government of India in the late Ministry of Natural Resources and Scientific Research No. S.R.O. 615 dated the 28th February, 1957, namely:—

In the said Schedule—

- (1) in Part I, the heading “Indian Bureau of Mines” and all the entries relating thereto shall be omitted;
- (2) in Part II, the headings “Geological Survey of India” and “Indian Bureau of Mines” and all the entries relating thereto shall be omitted;

(3) In Part III, the headings "Geological Survey of India" and "Indian Bureau of Mines" and all the entries relating thereto shall be omitted.

[No. F. 5(23)/57-Adm.I(2).]

D. D. GUPTA, Dy. Secy.

**(Department of Mines and Fuel)**

*New Delhi-2, the 9th October 1958*

**S.O. 2157.**—In exercise of the powers conferred by section 27 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby makes the following further amendment to the Coal Bearing Areas (Acquisition and Development) Rules, 1957, namely:—

In rule 5 of the said rules, for the words "Senior Revenue Officer" the words "Revenue Officer" shall be substituted.

[No. C2-1(13)/58.]

**CORRIGENDUM**

*New Delhi-2, the 9th October 1958*

**S.O. 2158.**—In exercise of the powers conferred by section 3 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Steel, Mines and Fuel No. S.R.O. 2434 dated the 16th July, 1957, namely:—

In the Schedule to the said notification for the entries in columns 2 and 3 against serial numbers 3 and 4, the following entries shall be substituted, namely:—

12	{	Shri G. N. Johari, Revenue Officer, National Coal Development Corporation (Private) Limited, Ranchi.
		Shri H. N. Joshi, Revenue Officer, National Coal Development Corporation (Private) Limited, Ranchi.
13(6)	{	Shri G. N. Johari, Revenue Officer, National Coal Development Corporation (Private) Limited, Ranchi.
		Shri H. N. Joshi, Revenue Officer, National Coal Development Corporation (Private) Limited, Ranchi.

[No. C2-1(13)/58.]

A. S. GREWAL, Under Secy.

**MINISTRY OF WORKS, HOUSING AND SUPPLY**

**CORRIGENDUM**

*New Delhi, the 16th September 1958*

**S.O. 2159.**—In the notification of the Government of India in the Ministry of Works, Housing and Supply No. S.O. 1362 dated the 7th July 1958, published at page 1193 of the Gazette of India Part II Section 3(ii) dated the 12th July, 1958, for "24th December, 1955" read "13th December, 1955".

[No. 3/1/55-Acc.]

R. C. MEHRA, Under Secy.

**MINISTRY OF FOOD AND AGRICULTURE****(Department of Agriculture)****(Indian Council of Agricultural Research)***New Delhi, the 3rd September 1958*

**S.O. 2160.**—In pursuance of the provisions of Section 4(ii) and 4(x) of the Indian Cotton Cess Act, 1923, the Central Government are pleased to appoint/nominate the following persons to be members of the Indian Central Cotton Committee, Bombay, for the period mentioned against each of them:

Sl. No	Name	Section	Period upto
1.	Dr. B. K. Mukerjee, Director of Agriculture, Uttar Pradesh, Luknow, <i>Vice</i> Shri Ram Surat Singh.	4 (ii)	31-3-1961
2.	Sardar Ujjal Singh, 12, Curzon Road, New Delhi	4 (x)	31-3-1959

[No. 1-12/58-Com.II.]

B. S. RAMDAS, Under Secy.

**(Department of Agriculture)****(Indian Council of Agricultural Research)***New Delhi, the 17th September 1958*

**S.O. 2161.**—The following draft of further amendment to the Indian Oilseeds Committee Rules, 1947, which it is proposed to make in exercise of the powers conferred by Section 17 of the Indian Oilseeds Committee Act, 1946 (9 of 1946), is published as required by sub-section (1) of the said section, for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 15th October, 1958.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified above will be considered by the Central Government.

*Draft Amendment*

In the said rules.—

In sub-rule (2) of rule 3, for the word "thirty", the word "sixty" shall be substituted.

[No. 6-1/58-Com.I/III.]

**CORRIGENDUM***New Delhi, the 17th September 1958.*

**S.O. 2162.**—The words "Vasant Vishnu Patil, B.Ss., of Sanda District, East Khandesh" appearing in the notification issued in Gazette of India, Part II, Section 3, dated 26th October, 1957 under S.R.O. No. 3309 at page 2451 may be substituted by words "Vasantrao Vishnu Patel, B.Sc., Post Office Savda, District East Khandesh, Bombay State."

[No. 6-5/57-Com.I/III.]

*New Delhi, the 24th September 1958*

**S.O. 2163.**—The words "and as applied to the State of Pondicherry" occurring in Notification No. 5-50/57-Com.I, dated the 16th May, 1957 issued by the Ministry of Food and Agriculture (Department of Agriculture)—Indian Council of Agricultural Research, New Delhi and published in Part II Section 3 of the Gazette of India may be deleted.

[No. 5-50/57-Com.I/III.]

AJUDHIA PRASADA, Under Secy.

**THE MADRAS CENTRAL EXCISE COLLECTORATE**

*Madras, the 23rd August 1958*

**S.O. 2164.**—The provisions of Madras Central Excise Collectorate Notification C. No. VI/kk/21/9/56 CE Pol. dated 7th July 1958 in so far as they relate to marking of the Central Excise Licence number and the net weight on each packet, shall not apply to weight packets containing not more than 2 oz nett, of tea and 'pice packets' (if they contain not more than 2 oz nett of tea).

[No. VI/kk/21/9/56 CE Pol.]

S. P. KAMPANI, Collector.

**MINISTRY OF REHABILITATION**

**(Office of the Chief Settlement Commissioner)**

*New Delhi, the 7th October 1958*

**S.O. 2165.**—In exercise of the powers conferred by Sub-Section (i) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Govt. hereby appoints Shri R. C. Sharma for the time being holding the post of Managing Officer in Indore Region as Assistant Custodian for the Gwalior Zone for the purpose of discharging the duties assigned to the Custodian by or under the said Act.

[No. 4(15)Admn(Prop)/58]

**S.O. 2166.**—In exercise of the powers conferred by Sub-Section (i) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Govt. hereby appoints Shri K. N. Kohli for the present holding the post of Managing Officer in Indore Region as Assistant Custodian for the Raipur Zone for the purpose of discharging the duties assigned to the Custodian by or under the said Act.

[No. 4(15)Admn(Prop)/58]

*New Delhi, the 8th October 1958*

**S.O. 2167.**—In exercise of the powers conferred by sub-section (I) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby confers upon Shri Y. R. Ahuja, Assistant Settlement Commissioner the powers of Settlement Commissioner for the purpose of performing the functions assigned to such Commissioners by or under the said Act with effect from the date he took charge of his office.

[No. 5(13)/Admn(Reg)/CSC/58.]

*New Delhi, the 9th October 1958*

**S.O. 2168.**—In exercise of the powers conferred by Sub-Section (i) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Govt. hereby appoints for the State of Madhya Pradesh, Major R. G. Kulkarni (Retd) for the time being holding the post of Assistant Settlement Commissioner, in the office of Regional Settlement Commissioner, Indore, as Deputy Custodian for the purpose of discharging the duties assigned to the Custodian by or under the said Act.

[No. 16(9)Admn(Prop)/58.]

M. L. PURI,

Settlement Commissioner & *Ex-Officio* Under Secy.

**OFFICE OF THE CHIEF SETTLEMENT COMMISSIONER.**

*New Delhi, the 9th October 1958*

**S.O. 2169.**—In exercise of the powers conferred by sub-section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act 1954 (44 of 1954), the Central Government hereby appoints Shri Man Mohan Singh P.C.S., Sub-Judge to the post of an Assistant Settlement Commissioner in the State of Punjab with

effect from 8th September, 1958 for the purpose of performing the functions assigned to an Assistant Settlement Commissioner by or under the said Act, in respect of agricultural lands, shops and other immovable properties in any rural area.

[No. F.3(40)Policy-II/58.]

I. N. CHIB, Dy. Chief

Settlement Commissioner & *Ex-Officio* Dy. Secy.

## MINISTRY OF LABOUR AND EMPLOYMENT

*New Delhi, the 10th October 1958*

**S.O. 2170.**—In exercise of the powers conferred by sub-section (3) of section 22 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby specifies the Conciliation Officer (Central), Nagpur, as the authority to whom the employer shall send intimation of any lock-out or strike referred to in the said sub-section, in the State of Bombay.

[No. LR.I-1(82)/58.]

**S.O. 2171.**—In exercise of the powers conferred by section 4 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby appoints the Conciliation Officer (Central), Nagpur, as Conciliation Officer for all industrial disputes in the State of Bombay for—

- (i) all industries carried on by or under the authority of the Central Government;
- (ii) all Railways;
- (iii) all mines, oilfields and major ports; and
- (iv) all banking and insurance companies

[No. LR.I-1(82)/58.]

A. P. VEERA RAGHAVAN, Under Secy.

*New Delhi, the 10th October 1958*

**S.O. 2172.**—In exercise of the powers conferred by sub-section (1) of section 3 of the Coal Mines Labour Welfare Fund Act, 1947 (32 of 1947), the Central Government hereby makes the following amendment in the notification of the Government of India in the late Department of Labour No. LW.1(4)47(2) dated the 14th June, 1947, namely:—

In the said notification, for the words, figures and brackets "(i) to fix six annas per ton as the rate at which the duty of excise referred to in the said section shall be levied and collected" the following shall be substituted, namely:—

- "(i) to fix 37.5 (thirty seven decimal five) naye paise per ton as the rate at which the duty of excise referred to in the said section shall be levied and collected."

[No. M-II-1(15)/58.]

S. RANGASWAMI, Under Secy.

*New Delhi, the 10th October 1958*

**S.O. 2173.**—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Sarvashri K. R. Sreedharan and M. Sivarama Krishna Iyer to be Inspectors for the whole of the State of Kerala for the purposes of the said Act and of any scheme made thereunder, in relation to an establishment belonging to, or under the control of, the Central Government or in relation to an establishment connected with a railway company, a major port, a mine or an oil-field or a controlled industry

[No. PF-I/31(465)/58.]

*New Delhi, the 11th October 1958*

**S.O. 2174.**—In pursuance of the provisions of paragraph 20 of the Employees' Provident Funds Scheme, 1952, framed under section 5 of the Employees' Provident Funds Act, 1952 (19 of 1952) the Central Government hereby appoints Shri Harbansraj Singh as Regional Provident Fund Commissioner for the whole of the Union Territory of Himachal Pradesh *vice* Shri C. A. Ahuja.

Shri Harbansraj Singh shall work under the general control and superintendence of the Central Provident Fund Commissioner.

[No. PF-I/31(498)/58.]

*New Delhi, the 11th October 1958*

**S.O. 2175.**—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Shri Harbansraj Singh to be an Inspector for the whole of the Union Territory of Himachal Pradesh for the purposes of the said Act and of any scheme framed thereunder, in relation to establishments belonging to, or under the control of the Central Government or in relation to an establishment connected with a railway company, a major port, a mine or an oil field or a controlled industry, *vice* Shri C. A. Ahuja.

[No. PF-I/31(498)/58.]

P. D. GAIHA, Under Secy.

*New Delhi, the 9th October, 1958*

**S.O. 2176.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Religora Colliery and their workmen.

# CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD.

REFERENCE NO. 39 OF 1958

## **PARTIES:**

Employers in relation to Religora colliery.

AND

Their workmen.

*Dhanbad, the 29th September 1958*

PRESENT:

Shri Salim M. Merchant, B.A.L.L.B.—*Chairman.*

## **APPEARANCES:**

Shri S. S. Mukherjea, Advocate,

with Shri P. K. Mitter, Chief Personnel Officer —*for the employers.*

Shri S. K. Mukherjea, Pleader,

with Shri S. K. Chatterjee, Office Secretary,

Colliery Staff Association —*for the workmen.*

State: Bihar.

Industry: Coal.

## **AWARD**

The Government of India, Ministry of Labour & Employment, by its order No. L.R. II/2(57)/58 dated 18th June 1958, made in exercise of the powers conferred by clause (d) of Sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (XIV of 47), was pleased to refer to me for adjudication the industrial dispute between the parties above named in respect of the subject matters specified in the following schedule to the said order:—

"Whether the gradation of Shri Raquib, Magazine Clerk (Grade III Clerk), Religora Colliery, under the award of the All India Industrial Tribunal (Colliery Disputes) is correct, and if not, in what grade in the clerical

cadre he should be placed and from which date and the relief, if any, to which he is entitled in case he is upgraded."

2. After the usual notices were issued on the parties, the General Secretary, Colliery Staff Association (hereinafter referred to as the union) filed its written statement of claim on 3rd July 1958 and the employers filed their written statement in reply on 14th July 1958. The matter was fixed for hearing on 6th August 1958, but on an application for adjournment on the grounds of the personal convenience of the Advocate for the union it was adjourned to 20th August 1958, on which date the matter was finally heard.

3. The facts of the case briefly stated are that Shri Raquib was employed in this colliery in 1946 and was designated as "Gumosta". It is admitted that he was the only workman in this colliery holding that designation. It is further admitted that in Appendix XVI of the Award of the All India Industrial Tribunal (Colliery Disputes), (hereinafter referred to as the Majumdar Award) "Gumostas" have been classified as Grade I clerks. It is also admitted that after the publication of the Majumdar Award, the management of the colliery classified Raquib as a Grade III clerk without any designation. Shri Raquib made a representation against this classification but he was informed by the Personnel Officer of the company that considering his duties his classification in the clerical grade III was proper. Thereafter, in about November 1957 he was designated as a Magazine Clerk and placed in Grade III for clerks. According to the company, he was appointed as the Junior Magazine clerk under the Magazine in Charge who is in Grade II. Thereafter, the matter was referred for conciliation to the Labour Inspector and the Conciliation Officer, but their efforts having resulted in failure, the Government was pleased to make this reference for adjudication.

4. It is claimed on behalf of Shri Raquib (1) that as on the date the Majumdar Award came into force i.e. on 26th May 1956, his designation was "Gumosta" he was, under the directions of the Majumdar Award, entitled to be classified as Grade I Clerks and to the pay fixed for Grade I Clerk by the Majumdar Award as modified by the decision of the Labour Appellate Tribunal and (2) that in any case on the basis of the duties which he was performing he was entitled to be placed in Grade I for clerks and to the pay fixed for Grade I clerks by the decision of the Labour Appellate Tribunal of India.

5. The management in its written statement had raised two preliminary objections against this reference. (1) that as the present reference arose out of an individual dispute which was not taken up by the workmen in a body or by any union representing the workmen, it is not an industrial dispute as contemplated under the Act, and (2) that the present dispute being for the alleged non-implementation of an Award, cannot be made the subject matter of a Reference. But neither of these two contentions was pressed at the hearing by Shri S. S. Mukherjea, the learned Advocate for the employers, and no arguments were advanced in support thereof. It is therefore not necessary for me to deal with those contentions.

6. On the merits, the company's case is that all the duties that Shri Raquib was performing as "Gumosta" were the duties of Grade III clerks and therefore he was rightly classified as Grade III clerks. The company has denied that Shri Raquib was performing all the duties enumerated in the written statement of claim of the union. According to the company, Shri Raquib was mainly performing the duties of (1) Maternity Clerk, (2) Census Clerk and (3) Dhowrah Clerk, which were all duties of Grade III clerks. According to the management at present Shri Raquib was performing the duties of a junior Magazine Clerk in grade III (under a Magazine-in-Charge, who is in grade II) and therefore his classification as grade III clerk is also justified.

7. At the hearing, no witnesses were examined on behalf of Shri Raquib, but the company led the evidence of Shri R. B. Singh the Welfare Officer of the Sirka Colliery (E.W.1) and of Shri A. P. Sinha, the Welfare Officer of the Religora colliery (E.W.2).

8. The first question that arises for determination is whether Shri Raquib was entitled to be classified as Grade I clerk because Appendix XVI of the Majumdar Award has classified "Gumostas" as grade I clerks. In other words, the question is whether under Appendix XVI of the Majumdar Award the classification of clerks was to be made on their designations as on the date the Majumdar Award came into force or according to the duties they were performing. It is necessary to state that Appendix XVI was an agreed classification drawn by the representatives of the employers and the employees appearing before the Majumdar Tribunal, of the clerical staff employed in the collieries by grading and nomenclature, and in that Appendix Gumostas have admittedly been shown as clerks Grade



I. (See Appendix XVI at page 1326 of the Gazette of India Extraordinary, Part II, Section 3 dated 26.5.1958). With regard to the manual skilled and unskilled workmen also an agreed list of classification category-wise was filed before the Majumdar Tribunal but that classification was on the basis of the agreed job description for each designation (See Appendix XI of the Award). The Majumdar Award in dealing with the question of how the then existing staff was to be classified and graded observed and directed as follows:—

"Considering the nature of the work in the colliery industry, we consider that there should be 3 grades of clerks, not including therein the special grades for head clerks in central offices, certain stenographers and other jobs involving a high degree of trust and responsibility. This is also the view of the parties. Shri L. J. Barraclough representing the Indian Mining Association, on the one hand and Shri Kanti Mehta, Shri Kalyan Roy and Shri Mahesh V. Desai, representing the three principal labour federations, on the other, have by consent, placed before us a statement on the grading and nomenclature of the clerical staff. The same has been set out in Appendix XVI. We propose to fix the scales with reference to the grading and nomenclature as set out in that statement."

It will thus be seen that the Majumdar Award fixed the scales of pay of the clerical staff in all the collieries with reference to the grading and nomenclature as set out in Appendix XVI. In classifying the clerical staff in Grade I, II, and III the only test was their existing designation and not the duties they were performing, as at no place in the Majumdar Award or for that matter even in the decision of the Labour Appellate Tribunal of India, there is any mention of the different kinds of duties which were to be the test for classification of the existing clerical staff in the three grades in which they were divided. It is clear, therefore, that under the Majumdar Award as modified by Labour Appellate Tribunal's decision, the classification of the existing clerical staff into the three grades prescribed, was to be on the basis of the existing designation and nomenclature. As pointed out in the Award there was a bewildering variety of designations in the about 900 collieries that were concerned in the dispute before the Majumdar Tribunal. In some collieries certain designations involved higher duties and higher pay and in others the same designation involved lesser duties with lower pay. It was not possible for the parties before the Majumdar Tribunal to arrive at an agreed list of the duties of clerks of the various designations for the classification into the 3 grades in which the parties were agreed that the clerks should be classified. They, therefore, adopted the basis of the existing designations for the purposes of their classification into the three grades for clerks fixed by the award. I am of the opinion that as Shri Raquib was holding the designation of "Gumosta" he was, under Appendix XVI read with the directions contained in para. 769 of the Majumdar Award entitled to be placed in grade I for the clerical staff.

9. It has also been urged on behalf of Shri Raquib that on the basis of the duties he was performing, he was also entitled to be classified as Grade I clerk. In para. 8(a) of the written statement of claim filed on his behalf the various duties he was performing on the date the Majumdar Award came into operation have been specified and they are as follows:—

"That as a Gumosta Shri S. A. Raquib had to perform the following types of work which are attributed as the work of Gumosta of collieries.

- (a) Recruitment of labours and collecting them from their quarters or villages and placing them in their duties.
- (b) Inspection of Khas land of the Company, taking steps against any encroachment on Company's land or misappropriation of company's properties.
- (c) Taking action against wrongful or illegal construction of company's land or cutting of company's trees.
- (d) Welfare work of the labours, their dwellings, water supply, medical treatment etc.
- (e) Settling up dispute between labours.
- (f) Making private and confidential enquiries over mischief or damages caused to the Coy's properties.
- (g) Attending Courts in connection with workmen compensation cases, Licence matters.
- (h) Checking the duties of Census Clerks, who worked under him."

In support of this statement he was annexed to the written statement of claim various orders issued upon him from time to time. They are annexures A to L, the correctness of which has been admitted by the management. The management in its written statement has, however, stated that the duties of Shri Raquib were merely to issue ration cards to labourers and to make periodical checks regarding the dependents and other particulars relating to ration concessions; to deal with all matters relating to maternity benefits under the supervision of the Medical Officer and Welfare Officer, to supervise and check the occupancy of Dhowrahs and to help the Welfare Officer in enquiring about Dhowrah repairs; to report cases of unauthorised occupation of company's quarters and unauthorised construction of structures on company's lands and to contact Government Offices at Ranchi and Hazaribagh in connection with annual licences for drugs etc. According to the company all these were duties of clerks of Grade III. On the other hand, on behalf of Shri Raquib it is urged that one Shri L. P. Ojha, a "Gumosta" in the Sirka colliery, which is a sister colliery belonging to this very company, had under the classification of the Majumdar Award, on the basis of his designation, been placed in Grade I for clerks. To this the company's reply is that Shri Ojha's duties in the Sirka Colliery were mainly those of looking after the Welfare of labour of that colliery. On this point the company has led the evidence of Shri R. B. Singh, the Welfare Officer of the Sirka Colliery (E.W.1), who stated that the duties of Shri Ojha were to hear the grievances of the workmen and to report them to the Welfare Officer and that when there was shortage of labour, Shri Ojha used to get workmen from their quarters and thus help to raise production. But, in cross-examination this witness had to admit that there was a welfare officer in that colliery and that complaints of the workmen were not investigated by Shri Ojha, but by the Welfare Officer. This shows that the duty of looking after the welfare of labour, as the chief duty of Shri Ojha, which according to the company qualified him to be placed in the clerical Grade I turned out to be the duty and responsibility of the Welfare Officer and not that of Shri Ojha. With regard to Shri Ojha having to call labour from their quarters whenever there were shortage of labour and thus help to maintain production, that duty can hardly be called clerical and I am not impressed that it is this type of work which entitled Shri Ojha to be classified as Grade I clerk. I am of the opinion that in the Sirka Colliery this very company classified the Gumosta as Clerk Grade I, because he bore that designation and the company recognised that as such, under the Majumdar Award, he was entitled to be placed in grade I. There is on this point certain amount of inconsistency in the position taken up by the company. Whilst the evidence led by the Company was to the effect that a clerk who looks after the welfare of labour in the colliery would be entitled to be placed in Category I, in its letter to the Labour Inspector (Central) dated 2nd/3rd May 1958, Ex. E-I the company had taken up the position that a Gumosta who is entitled to be placed in the Clerical Grade I is a far more responsible clerk who performs the duties of a Gumosta in a Zamindari Kacheri, i.e. he is in charge of land records (Khatian and Parchas) and maps etc. At the hearing Shri S. S. Mukherjee, relied upon the definition of Gumosta as contained in Wilson's glossary, where the definition is on similar lines. But there is nothing to show that the Majumdar Tribunal had these duties for Gumosta in mind when placing them in Grade I. Nor has this company adopted this test or standard when it classified its Gumosta of the Sirka Colliery as Grade I clerk. I am inclined to think that this latter stand on the part of the company was an afterthought.

10. From Annexures A to L to the written statement of claim on behalf of Shri Raquib, and Exhibits W-F, W-G and W-H, it also appears that the duties of Shri Raquib were to attend to some work connected with the welfare of labour in the colliery and also relating to production in the colliery and that his duties as Gumosta were not merely limited to the matters stated in the company's written statement. After considering the evidence of Shri A. P. Sinha, the Welfare Officer of the company (E.W.2) and the documentary evidence on record, I am inclined to the view that Shri Raquib was performing duties of a responsible nature, which called for not only intelligence but also considerable past experience and that even on that basis I would consider that he was entitled to be classified as Clerk Grade I. Annexures B, C, D, F, G and H to the Union's statement of claim prove that Shri Raquib was an experienced intelligent and trusted clerk who was specially deputed to do work which required intelligence and a sense of responsibility.

11. I, therefore, answer the question in the reference by holding that the gradation of Shri Raquib as Magazine Clerk III in the Belgora colliery, under the Award of the All India Industrial Tribunal (Colliery Disputes) is incorrect and that he should be placed in Grade I for the Clerical Staff from the date on which the said Award came into force i.e. from 26.5.1956. I would further direct that the

difference in the amount of pay (basic wage, dearness allowance, bonus) on the basis of the pay prescribed by the Majumdar Award as modified by the Labour Appellate Tribunal's decision for Grade I clerks and the actual amount of pay drawn by Shri Raquib from 26.5.1956, should be paid to him within one month of the date this award becomes enforceable.

12. As the workmen have succeeded, I award Rs. 100 as costs.

SALIM M. MERCHANT,

Chairman,

Central Govt. Industrial Tribunal, Dhanbad.

Dhanbad,

The 29th September 1958.

[No. LR.II-2(57)/58.]

New Delhi, the 10th October 1958

**S.O. 2177.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Jhagrakhand Colliery (Private) Ltd., P.O. Jhagrakhand Colliery, Surguja District and their workmen.

# CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.

REFERENCE No. 22 OF 1958.

## PARTIES:

Employers in relation to Jhagrakhand Colliery (Private) Ltd., P. O. Jhagrakhand colliery,

AND

Their workmen.

Dhanbad, the 23rd September 1958

## PRESENT:

Shri Salim M. Merchant, B.A., LL.B.,—Chairman.

## APPEARANCES:

Counsel Shri B. K. Chowdhry, with Shri T. N. Lahiri, Assistant Secretary of the Company and Shri R. G. Gupta, Manager—for the employer company.

Shri R. L. Malviya, M.P., President, Chhatisgarh Colliery Workers Federation with Shri C. K. Nadiu, Secretary, Chhatisgarh Colliery Workers Federation—for the workmen.

State: Madhya Pradesh.

Industry: Coal.

## AWARD

The Government of India, Ministry of Labour & Employment, by Order No. LR.II/2(51)/58 dated 6th May 1958, made in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Dispute Act, 1947 (XIV of 47), was pleased to refer to me for adjudication the industrial dispute between the parties above named in respect of the matter specified in the following schedule to the said Order:—

“Whether the management of West Jhagrakhand colliery, was justified in dismissing Sarvashri Udasia, Gulbasia, Rambai, Sadashiva, Dasrath Singh, Babulall, Sankarlall, and Mea Khan; if not, what relief they are entitled to?”

2. After the usual notices were issued, the written statement of claim on behalf of the workmen was filed by the Chhatisgarh Colliery Workers Federation on 26-6-1958 and the written statement in reply thereto on behalf of the employer company was filed on 29-7-1958. The matter was then fixed for hearing on 22-8-1958 on which date, after the matter was discussed in court for some time, the parties filed terms of settlement reached between them and prayed that an award be made in terms thereof. As I consider the terms of settlement as fair and reasonable, I make an award in terms of the said settlement, a copy of which is attached hereto and marked Annexure 'A', and which shall form part of this award.

3. No order as to costs.

SALIM M. MERCHANT,

Chairman,

Central Govt. Industrial Tribunal, Dhanbad,

Dhanbad,

The 23rd September 1958.

## BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE NO. 22 OF 1958

Employers in relation to the Jhagrakhand Colliery Ltd. P.O. Jhagrakhand Colliery, Surguja District.

AND

Their workmen.

May it please the Tribunal:

We the parties to this dispute have arrived at the following settlement and pray that an award be made in terms thereof:—

1. With regard to the 3 boiler attendants namely, (1) Shri Mia Khan, (2) Shri Shankar Lal, and (3) Shri Babulal, it is agreed between the parties that (a)(1) Shri Mia Khan, and (2) Shri Shankar Lal will be reinstated in their former posts within 10 days from to-day on the same pay as they were drawing as on 12-3-1958, with continuity of past service. The period from 12-3-1958 till the date they are reinstated in their former posts, shall be treated as period of leave without pay but the company shall for that period make an *ex-gratia* payment of three months total emoluments, made up of basic pay, dearness allowance and one month's basic pay as one quarterly bonus. The company shall from this amount be entitled to deduct Provident Fund contribution of these workmen. The *ex-gratia* payment shall be made on or before 10-10-1958.

(b) With regard to Shri Babulal, on his having given up his claim for reinstatement, the company has agreed to pay him compensation of Rs. 900 (nine hundred) in full and final settlement of his claim. The sum of Rs. 900 shall be paid to him within a week of the date he vacates and hands over vacant possession of the company's quarters at present in his occupation. On his so doing, the company undertakes to withdraw the ejection proceedings which is pending before the Civil Court at Manendragarh and not to claim any rent or costs in respect of these proceedings.

2. It is further agreed that in the event of there being a vacancy in the post of a second class Boiler Attendant, either at West Jhagrakhand or in the North Jhagrakhand, the company will give a written offer to Shri Babulal of that post and if within 15 days the offer is not accepted by him the company shall be free to fill the vacancy.

3. It is also agreed that if and when Shri Rahim Khan, the newly appointed Boiler Attendant class II, is retrenched, it will not be treated as a vacancy for the purposes of the employment of Shri Babulal.

4. With regard to the three Rejas namely, (1) Smti. Udasiya, (2) Smti. Gulbasia and (3) Smti. Ram Bai, it is agreed as follows:—

(A) Smti Udasiya will be reinstated in her former post within 10 days from today on the same salary which she was drawing on the date of her dismissal from service on 17-3-1958, with continuity of service. The period of unemployment shall be treated as a period of leave without pay. The management agreed to make her an *ex-gratia* payment of 3 months basic wages plus dearness allowance with one month's basic wage as quarterly bonus, which shall be made by 10-10-1958. The company shall be entitled to deduct the Provident Fund contribution payable on this amount.

(B) With regard to (1) Smti. Gulbasta and (2) Smti. Ram Bai, the company agrees to reinstate them in service in their former posts within 10 days from to-day with continuity of service but in the North Jhagrakhand colliery where they will be provided with company's quarters for the same category as they are occupying at present in the West Jhagrakhand colliery, on their giving vacant possession of the quarters at present occupied by them in this colliery. They shall be reinstated on the same pay which they were drawing on the date of their dismissal on 17-3-1958. It is agreed that the period of un-employment shall be treated as period of leave without pay. The management agrees to make each of them an *ex-gratia* payment of 3 months' Basic wages plus Dearness allowance with one month's basic wages as quarterly bonus, which shall be paid by 10-10-1958. The company

shall be entitled from this amount to deduct the Provident Fund contribution payable thereon.

5. With regard to (1) Shri Sadashiva and (2) Shri Dasarath Singh, it is agreed that they shall be reinstated in service within 10 days from to-day in their former posts on the same pay which they were drawing on the dates of their dismissal i.e. on 1-3-1958, with continuity of service, with option to the company to transfer them immediately to their other collieries namely North or South Jhagrakhand Colliery in the same posts and on the same pay. In that event, the company will provide them with the same category of quarters which they are at present occupying, which they undertake to vacate and to give up vacant possession to the management before entering into possession of their new quarters at the colliery to which they may be transferred. It is further agreed that the period from the date of their dismissal till the date of their reinstatement shall be treated as period of leave without pay, but the company agrees to pay each of them, on or before 10-10-1958, *ex-gratia* compensation equivalent to 3 months' basic pay and dearness allowance with one month's basic pay as quarterly bonus. The management shall, however, be entitled to deduct from the amounts their Provident Fund contribution.

At Dhanbad, this the 22nd day of September 1958.

For Employers ---

(Sd.) Illegible,

Manager.

(Sd.) Illegible,

Assistant Secretary, for the Company.

For the Workmen:--

R. L. MALVIYA,

President, Chittaranjan Colliery Workers

Federation.

(Sd.) Illegible,

Secretary, Chhatisgarh Colliery Workers

Federation.

((Sd.) SALIM M. MERCHANT.

Chairman.

Central Govt. Industrial Tribunal, Dhanbad.

[No. LR11/2(51)/58.]

New Delhi, the 13th October 1958

S.O. 2178.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the National Insurance Company Limited, Calcutta and their workmen.

## CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

REFERENCE No. 6 OF 1958

The management of the National Insurance Company, Limited, Calcutta,

AND

Their workmen represented by the National Insurance Employees, Union, Calcutta.

PRESENT:

Shri A. Das Gupta, *Presiding Officer*.

APPEARANCES:

For the Management:

(1) Shri S. K. Bose, President, Bharat Manufacturers, Traders & Dealers Association.

(2) Shri K. P. Mookerjee, Secretary, Bharat Manufacturers, Traders & Dealers Association instructed by Shri R. S. Agarwal, Secretary (Admn.), National Insurance Company, Ltd.

For the Workmen:

Shri S. K. Acharya, Counsel, with Shri M. N. Roy, Advocate and Shri Pradip Ranjan Paul, General Secretary.

Shri S. N. Bhowmik, Joint Secretary, Eastern Zone Insurance Employees Association.

Shri P. P. Rabindranathan, Secretary.

Shri A. K. Roy Choudhury, Treasurer, National Insurance Employees' Union.

## AWARD

The Government of India, Ministry of Labour and Employment, by its Order No LRI-II(2)/58, dated the 18th June, 1958 (S.O. 1223), in exercise of its powers under sections 7A and 10(2) of the Industrial Disputes Act, 1947 constituted an industrial tribunal with me as the Presiding Officer and referred to it for adjudication an industrial dispute between the management of the National Insurance Company, Ltd., Calcutta and their workmen represented by the National Insurance Employees Union relating to bonus for the year 1957. The contentions of the parties as disclosed in the statements attached to the application for reference under section 10(2) of the Industrial Disputes Act, 1947, are as follows:

*Union's statement:*

Why two (2) months' salary as Annual Bonus should not be paid to each employee as per agreement between the National Insurance Co. Ltd. and the National Insurance Employees' Federation and its Head Office Union (National Insurance Employees' Union) dated 10th June, 1955.

*Company's statement:*

Whether two months' bonus or any bonus at all would be payable for the year 1957? Whether the agreement dated 10th June, 1955 is operative after the nationalisation of Life Insurance Business between the parties and whether the bonus as claimed by the National Insurance Employees Union is payable in pursuance of the said agreement?

2. Immediately on receipt of the Order of Reference, notice was issued to the parties and they filed statements and rejoinders elaborating and clarifying their respective contentions in the applications for reference under section 10(2) of the Industrial Disputes Act, 1947.

3. Before I proceed to discuss the respective cases of the parties, I should do well to give a short history of the business from its start down to 1957 to which the claim relates. The Company was established in the year 1906 with life insurance business only and in addition to the life insurance business, the Company started guarantee business in 1909. This was the only business of the Company upto 1949 when the general business comprising fire insurance, marine insurance and miscellaneous insurance was started. Since 1946 one month's salary was being paid as bonus to the employees who had completed a year's service as on the 31st August. In 1947 this scheme of bonus had the approval of the joint committee consisting of the representatives of the Employees' Union and the Employers. The Company also paid one month's salary as valuation bonus after each valuation year. The last of such valuations was in 1950 and 1953. On the 10th June 1955 there was an agreement between the Management and the Employees' Union by which the management increased the annual bonus from one month to two months' salary on condition that valuation bonus would no longer be paid. Pursuant to the Life Insurance (Emergency Provision) Ordinance, 1956, promulgated on the 19th January, 1956, the Government of India took over the entire management of life business leaving the general business with the Company.

4. For several years immediately before the nationalization of the life insurance business in India, the National Insurance Company, Limited, carried on business of life insurance, fire insurance, marine insurance and miscellaneous insurance. The life insurance business had no capital of its own. The general business comprising fire insurance, marine insurance and miscellaneous insurance has an authorised capital of one crore out of which Rs. 15,00,000 have been subscribed and fully paid up. The life insurance business required funds to carry on and had to be advanced by the general business a portion of its capital. In return the life business paid to the general business a share of the profits ascertained on valuation contemplated by section 13 of the Insurance Act. The sworn testimony of Shri R. S. Agarwal, Secretary of the Company, stands un-rebutted on this point and this is further corroborated by the Balance Sheets of the Company. The Company has filed Balance Sheets from 1953 to 1956. It will be found from the Balance Sheets of the life business prior to the nationalization that there was no capital. The Balance Sheets of each year start with a fund called the Life Assurance Fund and some outstanding liabilities which, as appears from the corresponding Balance Sheets of the general business, were advanced out of the funds of the general business in each year and this varied from year to year. The Balance Sheets of the general business from 1953 to 1956 record the same amounts of authorised capital and paid up capital. Thus it is clear that no portion of the capital as

indicated in the Balance Sheets of the general business belonged to the life business, for if any portion of the capital did belong to the life business that would have been taken over by the Government under the scheme of nationalization and the capital of the general business would have been reduced by like amount. As I have already mentioned, the valuation took place in 1953 and the Balance Sheet of the following year of the life business records transfer of a share of the valuation profit as at 31st December 1953, to the general profit and loss account. The total amount thus transferred was Rs. 6,40,504. This amount was credited to the Profit & Loss Account of the general business for 1954. Periodical valuation is contemplated by the Insurance Act only in respect of life insurance business. Section 13 is clear in this point. I pointedly enquired of Shri S. K. Acharya, appearing on behalf of the workmen, if there was any provision in the Insurance Act which contemplated similar valuation of the general business but no such provision was placed before me and Shri Bose on behalf of the management emphatically urged that no valuation was contemplated by the Act in respect of any insurance business other than the life insurance business. Rs. 4,08,456 was similarly transferred to the Profit & Loss Account of 1951 of the general business out of the valuation profits as on 31st December, 1950.

5. The Union has appended a copy of the agreement, dated 10th June 1955 as Annexure E to its written statement and pleads that:

- (1) The agreement not having been terminated is still binding on the parties.
- (2) The agreement relates to various terms of service besides bonus and all payments relating to those terms are made according to the agreement and employees are appointed and confirmed in terms of the agreement.
- (3) The Company having paid bonus in 1955, and 1956 i.e. both before and after nationalization of the life business cannot plead nationalization of the life business as a bar to the employees claim for bonus for 1957.

6. The Company opposes the claim of the workmen for bonus for 1957 on the following among other grounds:

- (a) The agreement not being effected in conciliation proceedings has no binding effect under section 19 of the Industrial Disputes Act, 1947 as it stood in 1955 and the Act did not recognise a voluntary agreement entered into by the parties outside conciliation proceedings.
- (b) Whatever value the agreement might have had, was lost and the agreement became inoperative on the nationalization of the life business which brought about a material change in the basic circumstances on which the agreement was based.
- (c) Bonus cannot be a condition of service of the employees. It is dependent on the trading results of the Company and no bonus is payable either under the general law as laid down by Their Lordships of the Hon'ble Supreme Court as also under the Insurance Act unless there is profit.
- (d) The Central Government is the only authority under the statute which can determine the quantum of bonus having regard to the circumstances of each case

7. The agreement dated 10th June, 1955 on which the Union bases its claim for bonus for the workmen is admitted. The onus is accordingly on the employers to make out a sufficient case that the said agreement has ceased to be operative. I shall accordingly discuss first the employer's case as placed by Shri S. K. Bose before me. Ground (d) mentioned above is in the nature of a preliminary objection touching on the jurisdiction of this Tribunal to determine the quantum of bonus payable to the employees of the insurance business. Shri S. K. Acharya urges that the company having agreed to have the matter referred to an industrial tribunal and thereby submitted to the jurisdiction of the industrial tribunal is precluded from questioning the jurisdiction of the tribunal to adjudicate upon the dispute referred to it. Consent of parties does not vest a tribunal with such jurisdiction as is denied to it expressly or impliedly by a statute. The Industrial Tribunal is a quasi judicial body and before it assumes jurisdiction over a dispute, it must satisfy itself whether it is competent to adjudicate upon the dispute. Besides the consent of the Company to the dispute being referred to an industrial tribunal is no more than a consent to have a decision of the tribunal on all the contentions of the parties including the one touching on the jurisdiction of the

tribunal. Section 31A(1)(c) of the Insurance Act prohibits bonus being a part of the remuneration of any person employed in the general insurance business. This is followed by a proviso consisting of 7 clauses which reads as below:

"Provided that nothing in this sub-section shall be deemed to prohibit—

- (i) .....
- (ii) .....
- (iii) .....
- (iv) .....
- (v) .....
- (vi) .....
- (vii) the payment of bonus in any year on a uniform basis to all salaried employees of any class of them by way of additional remuneration, such bonus, in the case of any employee not exceeding in amount the equivalent of his salary for a period which, in the opinion of the Central Government, is reasonable having regard to the circumstances of the case."

This sub-clause obviously vests the Central Government with the exclusive jurisdiction to decide what bonus is reasonable having regard to the circumstances of each case. In exercise of the powers vested by clause (vii) of the proviso to section 31A of the Insurance Act, the Controller of Insurance, acting on behalf of the Central Government, Insurance Department, issued a circular letter to all insurers carrying insurance business in India on the 23rd February 1955. The following is a relevant extract from the said letter:

"It is the responsibility of each insurer to decide the rate of bonus he can afford to pay to his staff, keeping in view the provisions of section 40B and 40C of the Insurance Act and this letter should not be construed as taking away that responsibility in any way. No insurer whose life insurance fund is in deficit and who has not made any profits in the preceding year in general insurance business as a whole should pay any bonus to its staff. Subject to these considerations:

- "(i) The Central Government will not consider any bonus upto 2 months' salary as unreasonable.
- (ii) If any higher bonus had been paid by such an insurer in the previous year, then he may pay bonus at the same rate for the current year, if he thinks fit, without consulting the Central Government.

2. It is to be clearly understood that the foregoing will not apply to those cases where the dispute regarding bonus has been referred to a Tribunal for adjudication under the Industrial Disputes Act, 1947."

On an analysis of this letter it is found that:

- (1) No bonus is payable by an insurer whose life insurance fund is in deficit, and who has not made any profits in the preceding year in general insurance business as a whole.
- (2) Where the life insurance fund is not in deficit and there have been profits in the preceding year in general insurance business as a whole,
  - (i) the Central Government will not consider any bonus upto two months' salary as unreasonable.
  - (ii) If any higher bonus had been paid by such an insurer in the previous year then he may pay bonus at the same rate in the current year if it thinks fit without consulting the Central Government.

At the end of this letter there is a paragraph which reads as follows:

"It is to be clearly understood that the foregoing will not apply to those cases where the dispute regarding bonus has been referred to a Tribunal for adjudication under the Industrial Disputes Act, 1947."

Shri Acharya on behalf of the workmen relies upon this concluding paragraph of this letter while Shri S. K. Bose contends that this concluding paragraph is without jurisdiction. Clause (vii) of the proviso to section 31A of the Insurance Act delegates the authority to the Central Government to determine the reasonableness or otherwise of the quantum of bonus in each particular case having regard to the circumstances of the case without any authority to re-delegate the power to any other body. The authority which the circular letter gives to a Tribunal is



thus without jurisdiction and the Tribunal cannot assume jurisdiction to adjudicate upon the quantum of bonus inasmuch as the same has been, by implication, denied by the statute.

8. Even assuming that this Tribunal has jurisdiction to determine the quantum of bonus, it can assume jurisdiction only if there is profit in the general business taken as a whole. The revised Balance Sheet for the year 1956 discloses a net loss of Rs. 2,19,119. Thus in the circumstances of the present case this Tribunal cannot award bonus for the workmen. Two conditions must be fulfilled before the claim of the employees for bonus can be entertained:

- (1) It must be made out that the wages fall short of what can properly be called a living wage.
- (2) The industry must be shown to have made profits which are partly the result of the contribution made by the workmen in increasing production.

This is the law as enunciated by their Lordships of the Hon'ble Supreme Court in the case of Muir Mills and Minakshi Mills (1955 I LLJ p. 1 and 1958 I LLJ p. 239). In a recent case reported in 1958 II LLJ, at page 265 (Mathura Das Kanji and others and Labour Appellate Tribunal and others) the Hon'ble Supreme Court ruled out even the incentive bonus where the two aforesaid conditions were not satisfied. Their Lordships observed:

"The essential condition for the payment of incentive bonus just like any other kind bonus is that the industry concerned must earn profits part of which is due to the contribution which the workmen made in increasing production."

Thus, it is abundantly clear that after the decision of the Hon'ble Supreme Court, no claim for bonus is maintainable unless and until the two conditions as laid down are satisfied. Bonus can no longer be claimed as a condition of service of the employees. It is dependent on the trading result of the company and inasmuch as the general business did not earn any profit in 1956, no bonus is payable in 1957. I need hardly mention that the bonus on the trading results of a particular year which closes on the 31st December is payable in the following year at the earliest. No claim for bonus is entertainable by a Tribunal in anticipation of the trading results of a particular year before the accounts are closed.

9. The agreement in question was entered into outside conciliation proceedings. The Industrial Disputes Act, 1947 as it stood before the recent amendment did not recognise any agreement outside conciliation proceedings. The recent amendment tends to give some sanctity to agreements outside conciliation proceedings. Section 18 of the Industrial Disputes Act, 1947 may be referred to in this connection. But, there is no specific indication in the Act that the amendment will have retrospective effect and recognise agreements entered into by the parties outside conciliation prior to the amendment coming into force.

10. Shri Acharya urges that as bonus had been paid in 1955 and 1956 in terms of the agreement and as the other terms and conditions of agreement are still being followed in payments in respect of other terms, and in the matter of appointments and confirmation of employees, the agreement constitutes terms and conditions of service of the workmen immediately prior to the amendment of the Industrial Disputes Act and that in this view of the case, no change is permissible except under section 9-A of the Industrial Disputes Act, 1947. This contention of Shri Acharya appears to have been misconceived. Section 9-A prohibits any change in the conditions of service applicable to any workman in respect of matters specified in the Fourth Schedule. The Fourth Schedule of the Act does not include bonus as a condition of service contemplated by section 9-A of the Act. Besides in view of the statutory restriction contemplated by Insurance Act and the general law as laid down by their Lordships of the Hon'ble Supreme Court, bonus cannot be a condition of service irrespective of the trading results of the industry. Other terms contained in the agreement of 10th June 1955 which relate to basic wages, and dearness allowance became conditions of service as soon as the agreement was acted upon.

11. The general insurance banked much upon the share of the valuation profits received from the life business periodically. In 1950 it received over Rs. 4,00,000 and in 1953 over Rs. 6,40,000. This is a substantial amount. This was the consideration at the back of the agreement for two months' bonus. The Company agreed to pay two months' bonus provided two conditions were fulfilled viz. there must be valuation and no bonus will be paid out of this valuation profits in

future. Now the life business was nationalized early in 1956, there could not be any question of the company earning valuation profits in the year 1956 and for the matter of that for the general business getting a share of that valuation profits. Thus the basic circumstances on which the agreement was based have become impossible. The agreement cannot, therefore, be operative after nationalization of the life business. This is the doctrine of frustration. I may in this connection refer to the Law of Contract by Cheshire and Fifoot (1946 Edition) page 369:

"The contract in the majority of cases is made on the basis that the acts to be performed are both possible and lawful. As a general rule therefore a contract will be discharged if and by subsequent change in the law those acts are rendered illegal or impossible of performance."

12. Shri Acharya contends that the agreement has not been terminated. As I have already mentioned that prior to the amendment, the Industrial Disputes Act did not recognise agreement entered into by parties. The amendment has not been given any retrospective effect in respect of agreements. Thus after the amendment of the Industrial Disputes Act the agreement did not acquire any value higher than what it had before the amendment and section 18 of the Industrial Disputes Act as it stood before the recent amendment did not contemplate an agreement outside conciliation proceedings. The second contention of Shri Acharya has already been discussed when dealing with the question whether an agreement about bonus can be a condition of service. The Company admittedly paid bonus in 1955 and 1956. In the notification for the bonus paid in 1955 it was described as bonus for 1955. That does not indicate that the bonus paid in 1955 was payable on the trading result of that particular year. I am told that the bonus was generally paid on the eve of the Pujahs in September or October. It cannot be presumed that this bonus was payable on the trading results of the year in the midst of the year before the accounts had been finalized. The Company cannot be compelled to pay bonus for 1957 merely because it had paid bonus in 1955 and 1956 under the agreement of 10th June 1955. Not only the basic circumstances of the agreement are no longer in existence but also the general business of the company did not earn any profit which is, under the existing law of the country, a requisite condition to justify a claim for bonus.

13. Shri Acharya assails the Balance Sheets on the following grounds:

- (1) The expense ratio exceeds the limit prescribed by section 40-C read with rule 17-A sub-rules (1), (2) and (3).
- (2) The management expenses in 1956 were much higher than those in 1955.
- (3) The Company has appropriated out of the revenue unreasonable amounts by way of unexpired risk reserve contemplated by rules 26 to 28 of the Code for Conduct of General Insurance Business issued by the Insurance Association of India (Ex. E/1).
- (4) Some officers were given unreasonable increments and some other officers paid out of the general insurance fund are allowed to work for other concerns.

14. The total gross premium written direct in India in 1956 from the general business comprising fire insurance, marine insurance and miscellaneous insurance were Rs. 21,65,395. Permissible expenditure under Rule 17E works out to Rs. 7,99,501, including the excess permissible over the general rates. The contention of Shri Acharya is that the salary of the officers together with the commissions exceed this amount. The commission indicated in the Balance Sheet is on the entire direct premia received in India and outside India and the officers also work for the business relating to premia received outside India. There is no sufficient material on the record to support Shri Acharya's contention on this point.

15. With regard to the increase in the management expenses in 1956 over that of 1955 Shri R. S. Agarwal explained the facts which were responsible for the increase. The reasons were that the premium income increased in 1956 and to effect this increase, new branches had to be opened and more personnel had to be engaged. Before nationalization the general business and the life business were carried on from one and the same office and consequently a portion of the office expenses was borne by the life business as well. After nationalization of the life business the entire expenses are being borne by the general business.

16. I have examined the accounts of the fire, marine and miscellaneous insurance business in the light of rules 26 to 28 of the Code of Conduct for General Insurance Business and I find nothing wrong.

17. High increments by themselves do not establish any extravagance. No suggestion has been offered as to the salary of comparable officers in the locality and scales of their increments. It was pointed out that Shri R. K. Gupta who is paid out of the funds of the general insurance business works also as Secretary of another concern and Directors of some other concerns. There is no suggestion whether Shri R. K. Gupta works for those concerns within the office hours fixed for his duty in the present company, how long he works for those other concerns, whether he draws pay from those concerns also. In the absence of these materials, I regret no decision is possible.

18. I have considered very carefully the facts and circumstances of the case and the law placed before me. My award is that no bonus is payable for 1957 to the workmen of the general business comprising fire, marine and miscellaneous insurance of the National Insurance Company, Limited.

Calcutta;

The 30th September, 1958.

A. DAS GUPTA,

Presiding Officer,

Central Government Industrial Tribunal, Calcutta.

[No. LR11/11(2)/58.]

# ORDERS

New Delhi, the 8th October 1958

S.O. 2179.—In exercise of the powers conferred by clause (d) of sub-section 1 of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby makes the following amendment in the Order of the Ministry of Labour and Employment No. S.O. 1375 dated the 7th July, 1958.

In the Schedule to the said Order, in item (3), after the words and figures "Rs. 10", the words and figures "or Rs. 20" shall be inserted.

[No. LR11/10(92)/57.]

New Delhi, the 10th October 1958

S.O. 2180.—Whereas the Central Government is of the opinion that an industrial dispute exists between M/s Andrew Yule & Co. Ltd., P.O. Dishergarh and their workmen in respect of the matter specified in the Schedule hereto annexed:

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

# SCHEDULE

Whether the Union's demand for a higher scale of pay to the tractor driver than that awarded by the Labour Appellate Tribunal (Colliery Disputes) for car lorry or drivers is justified & if so, what should be the appropriate scale for the tractor driver.

[No. LR11-2(88)/58.]

New Delhi, the 13th October 1958

S.O. 2181.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Begonia Colliery, P.O. Barakar, Burdwan Distt. and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1957), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

#### SCHEDULE

Whether the management is justified in depriving the miner's sirdars of their Commission by putting their men under 'sirkari' and if not, what relief they are entitled to.

[No. LR II-1 (69)/58.]

#### CORRIGENDUM

*New Delhi, the 10th October 1958*

**S.O. 2182.**—In the Award published with the Order of the Government of India in the Ministry of Labour and Employment No. S.O. 1810, dated the 26th August, 1958, in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 6th September, 1958:—

for the words and figures "26th February, 1956" occurring in para 12 on page 1574 read "26th May, 1956."

[No. LR II/2 (23)/58.]

K. D. HAJELA, Under Secy.

#### MINISTRY OF INFORMATION AND BROADCASTING

*New Delhi-2, the 14th October 1958*

**S.O. 2183.**—In exercise of the powers conferred by sub-rule (3) of rule 9 of the Cinematograph (Censorship) Rules 1951, read with sub-rule (3) of rule 10 of the said Rules, the Central Government hereby re-appoints after consultation with the Central Board of Film Censors, Shrimati Lakshmi Mazumdar (Resident at Delhi) as a member of the Advisory Panel of the said Board at Madras with effect from the 31st October, 1958.

[No. 11/1/58-FC.]

D. R. KHANNA, Under Secy.